

## **Onderzoeksprogramma (MIWIN)**

### **“Making Islam work in the Netherlands. Islamic authority and Islamic law in the Netherlands among ordinary Muslims: recent trends and developments”.**

Muslims in Western Europe find themselves in a transitory stage from migrants to permanent members of society. This has implications for the ways in which Islam is shaped and practiced. The proposed research addresses this transition in the Netherlands and focuses on two separate, but closely interlinked central domains: religious authority and leadership, and Islamic law. The project analyses these developments explicitly from the perspective of “ordinary Muslims” because we hypothesize that they play a crucial but often neglected role in the doctrinal development of Islam.

As most Western European countries, the Netherlands has witnessed the emergence of Islam as a result of large-scale immigration. There are around 825.000 people with a Muslim Islamic background of ethnically mixed origin, which is about 5 % of the total population (CBS 2009). In the course of years Muslims built up a religious infrastructure, consisting of organizations and associations, institutional arrangements, consulting bodies, mosques and educational institutes across the country (Landman 1992; Rath et al. 2001). The development of this infrastructure was engrafted upon migratory networks and strong personal links with the countries of origin. Individual Muslims practiced religious life in familial and communal networks based on ethnic and regional ties. Religious orientations and authoritative frames were transplanted from the countries of origin and reproduced in the countries of residence (Birt 2006; Boender 2007; Den Exter 1990; Kranenborg 2005; Schiffauer 1991; Sunier 1996). These patterns existed in all European countries with a sizable Muslim migrant population and they still constitute a large part of the religious infrastructure (Dassetto 1984; Dassetto 2000; Fregosi 2004; Haddad 2002; Marechal 2002; Peter 2006; Sunier & Landman 2011; Werbner 2002). This is consistent with surveys conducted among individual Muslims throughout Europe: religious orientations among the majority of Muslims do not show major shifts (Crul & Schneider 2010; Fleischmann & Phalet 2012; SCP 2012).

However, signs of change can be observed in the ways Islam is lived, practiced and experienced among an increasing number of Muslims. These changes are embedded in major demographic, economic and societal transformations taking place among Muslims in Western Europe. Firstly, as in all countries in Europe with a sizable Muslim population, the proportion of Muslims that is born and raised in the Netherlands is increasing rapidly (SCP 2012). Secondly, there is a growing diversity among Muslims with regard to their societal, educational and legal position in society. The proportion of Muslims with a high education has increased sharply in the last decade. Contrary to what many observers predicted this has not resulted in a decrease of religiosity (SCP 2012). The ways Muslims experience their contemporary lives in Dutch society and in a world that is profoundly globalized, and how that affects their relation towards Islam, has diversified tremendously. Large scale surveys among individual Muslims disclose important information about

this development, but they do not capture the wide array of informal initiatives through which new forms of Muslim religiosity and Islamic normativity come into being. Ethnographic research is needed to trace, map, and analyze these practices, to explore them, to understand their implications, and to lay bare the complex relationship between societal participation and religious affiliation among Muslims.

The research focuses on two central doctrinal tenets of Islam: (1) religious authority and leadership, and (2) Islamic law. They are focal points for understanding Islamic reasoning and theological debates and have been studied extensively (Beck & Wieggers 2008; Foblets 1994; Rohe 2007; Shadid & van Koningsveld 2008). We will approach these sites as arenas of contestation, inventiveness, innovation, and, inevitably, power struggles in which ordinary Muslims do play a crucial role. In doing so, we move against the tendency to perceive issues of religious doctrine from a top-down perspective and to consider Islamic authority and law a matter exclusively of religious experts.

Summarizing, we aim to bring together experiences of “ordinary Muslims” in the Netherlands and the dynamics of authoritative, legal and institutional dimensions of Islam into one analytical frame and explore how a “Dutch Islam” emerges from their constant interplay. In most instances and situations ordinary Muslims abide to established normative and authoritative frames. Their religious practices are predominantly reproductive. However, precisely when Muslims find themselves in changing social conditions and wish to live pious lives in accordance with established traditions, frictions, ambiguities and dilemmas emerge (Schielke & Debevec (2012). This is where agency and inventiveness becomes crucial and religious transformation may occur. Our main research questions therefore are:

- **Which trends and initiatives can be observed among ordinary Muslims in the Netherlands to relate their religious practices and convictions to their daily experiences and participation in society?**
- **Which innovations do these initiatives produce in matters of religious authority and Islamic law?**
- **How are these two domains related to one another and how do ordinary Muslims interact with people who claim authority?**

With the adjacent concepts “everyday Islam” and “lived Islam”, “ordinary Muslims” refers to an emerging scholarly field in the study of religion and an epistemological and methodological shift from institution to practice (Bowen 1998; Dessing et al. forthcoming). “Everyday religion” addresses the “bottom-up” experiences and religious practices of people of faith (Ammerman 2007; McGuire 2008). The concept of “everyday religion” builds on the postulate that theologies are not made exclusively in an official venue by religious experts, but at a multiplicity of places and occasions and not only by experts (Orsi 2005; Rappaport 1999). Expert religion is a specific domain of activity and reasoning, to be distinguished from the no less important religious activity of non-experts, people who do not practice religion professionally (Davie 2006: 274). Schielke & Debevec (2012) draw on De Certeau’s

(1984) notion of the everyday as the domain where ordinary Muslims confront order and discipline of powerful institutions. "Everyday Islam" brings back agency of ordinary Muslims (Bracke 2008; Mahmood 2005), and "tactical religion" as the domain of creativity and innovation, in constant interaction with dominant "strategic religion", which is "constantly engaged in operations to delimit and guard its sacred spaces" (Dessing et al. forthcoming). In short, "ordinary Muslims" and "everyday Islam" refer to a perspective and a category of practices that is less visible, but can be innovative and even transformative.

This is a fruitful starting point for our research. We want to further develop the concept of everyday Islam by applying it to Islamic law and authority in the Netherlands. We will explore the input of ordinary Muslims in religious matters by including activities and initiatives which often tend to be ignored or deemed irrelevant or marginal by established religious representatives and policy makers, such as in the case of activities initiated by Muslim women (Fadil 2008).

### **a. Cohesion of the research**

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The research consists of two subprojects, one on religious authority and leadership, and the other on Islamic law. Analytically and conceptually these are separate domains with different themes and emphases. However, in practice they are closely intertwined and mutually feed each other. The research team will therefore work together closely in all stages of the project.

#### **PROJECT 1: AUTHORITY AND LEADERSHIP**

The first subproject deals with Islamic authority as a crucial intermediary domain between experiences and views of ordinary Muslims, and the developments with respect to Islamic law and doctrines. The central question to be answered is:

- Which factors account for the developments and shifts in Islamic authority in the Netherlands?

Religious authority refers to theological legitimacy and persuasive powers (Chaves 2003) and is much broader than leadership. It is a domain where negotiation and power are central constituting processes and where tensions, but also innovations in Muslim communities become manifest (Volpi & Turner 2007).

Today the sources of Islamic authority are more diverse and unstable than ever before. It is commonly accepted that modernization, globalization and the emergence of modern mass media have unsettled traditional religious authority (Van Bruinessen 2003; Caeiro 2004; Mandaville 2007; Masud et al. 2009; Salvatore 2006; 2007). Modern mass media have allowed for a tremendous increase in the number of voices in the public sphere (Eickelman & Anderson 2003: x; De Koning 2008). This has also affected Islamic authority in European countries. The authoritative frames and institutional settings which emerged in the early years of migration are still functioning, but their legitimacy is questioned by a growing number of Muslims born and raised in Europe (Peter 2006; Sunier 2013; Volpi &

Turner 2007; cf. Watling 2002). A wide variety of issues of faith that were undisputed are now put into question. Religious authorization has to be reconfirmed and reproduced continuously, and in contemporary media-saturated societies it increasingly needs to respond to the forms of auratic and charismatic power found in the mass media (Meyer 2009; Schulz 2006; Stolow 2006). In most studies, Islamic leaders and organizational arrangements are the principal focus for research. We contend that the role of ordinary Muslims in the making of religious authority and leadership is a crucial, but neglected venue of inquiry. In this project we address three fields that are relevant for the development of Islamic authority, but also for the general debates about integration and participation of Muslims in society: the *halal* market, leadership and community building, and issues of morality, family life and social relations.

### 1. *The Halal market*

Food in relation to religious norms and regulations is an ever widening field of debate and (commercial and religious) activity. The initiative by Muslims to develop a so-called halal quality mark in the Netherlands is an intriguing case in that respect. But *halal* implies not only food prescriptions and ritual slaughter; it is about expanding global markets for an increasingly wealthy pious middle-class, including fashion and self-styling, consumer goods, art and entertainment (Barendregt 2011; Fischer 2011; Moors 2009). The *Ramadan festival*, and the *Multifestijn* festival are good examples of this flourishing activity.

- What new forms of religiosity and religious subjectivity do these expanding commercial activities generate?
- How do religious authorities engage with these new forms and styles of religiosity?
- What do these activities imply for the place of Muslims in Dutch society?

### 2. *Leadership and community building*

Authority refers to the fundamental question as to who is entitled to speak legitimately on behalf of Islam and has persuasive qualities. This covers a wide range of issues. Already for quite some time there has been a public debate going on about the qualities of imams in the Netherlands and their contribution to the integration of Muslims (see Boender 2007; Landman 1996). However, the legitimacy of these imams continues to be a sensitive issue. *Cyber imams* and wandering preachers are very popular because they wrap up their messages in a style and a rhetoric that appeals especially to young Muslims (Hirschkind 2012; De Koning 2008; Gräf & Skovgaard-Petersen 2009; Sunier 2011). This issue ties in with the more general development of building alternative religious communities across and beyond traditional ethnic, regional and doctrinal dividing lines. The *Poldermoskee*, and the *Blauwe Moskee* are but two intriguing examples.

- Which initiatives are taken by Muslims to build new religious communities and what is the role of women (cf. Jouili & Amir-Moazami 2006)?
- What trends can be discerned in the development of religious leadership in the Netherlands from the perspective of ordinary Muslims?
- How is the globalizing Islamic public sphere related to orientations of Muslims with regard to their place in Dutch society and what developments take place (cf. Bowen 2004)?

### 3. *Morality, family life and social relations*

The third field deals with practices and initiatives that are related to personal relations and issues of morality. We want to engage with some of the sensitive issues that regularly appear in the press and are hotly discussed such as the position of women in Islam, partner choice, arranged marriages, forced marriages, divorce, interaction between young people of different sex, homosexuality, apostasy, and circumcision.

- We will engage with these issues in focus group sessions, but we will also trace and explore initiatives and practices to come to terms with dilemmas that emerge when Muslims interact with Dutch society at work, school and in other settings.

### **PROJECT 2: THE CREATION AND APPLICATION OF ISLAMIC LAW**

The second project builds on the first and zooms in on a particular field of Islamic authority by studying processes of institutionalization of authority in matters of *sharia* (1), the people who claim authority on Islamic normativity (2), and their interactions with ordinary Muslims who strive to practice what they consider to be “Islamic” rules in their daily lives, especially in family matters (3). To obtain a clearer image of emerging practices the project focuses on five interrelated issues:

- *Charting the processes of mediation.* How do processes of counseling, informal litigation and mediation work? Who initiates the process? How do parties know to whom to turn?
- *Authorities, knowledge, and reasoning.* Who are the authorities involved? How do they claim, create, and obtain authority? How do they construct knowledge of Islamic norms? What forms of reasoning do these authorities practice (cf. Bowen 2010; Yilmaz 2005)?
- *Effects of mediation.* What kind of effects do the decisions of the authorities consulted have? Do parties accept the outcome of the process, even if it is not favorable for them? Do they shop around for other possible solutions? Do the authorities involved make any attempt to impose or enforce their

decisions? How do the wider communities of which both the litigating parties and the authorities form part view the results of the litigation process?

- *Alternative claims to authority.* The appropriation of Islamic authority by bodies of self-declared orthodoxy is disputed and contested by groups which represent alternative views of Islam (cf. Dessing 2012). Both Muslims and non-Muslims fear the imposition of Islamic norms on weaker parties who would prefer regular Dutch justice. In this project there will be ample attention for debates on Islamic normativity and their relation to practices, understood in their social context.
- *Possible relations with the Dutch legal system.* Do parties involved in the dispute also turn to Dutch judicial authorities for a settlement? To what extent do they refer to informal mediation in these cases? Do informal processes form an alternative or parallel system to the official Dutch judiciary? How do Dutch judges and lawyers try to gather knowledge about Islamic law and about possible authorities (cf. Buskens 2011; Rutten 2005)?

### **Locus and focus of research**

Larger and smaller mosques in the cities which are envisaged by this project are obvious places to start the research. Imams and members of the governing bodies of these mosques will be asked for information. The researcher will strive to participate in mediation sessions. In addition to that the researcher will practice a more grassroots approach by asking "ordinary Muslims" about their experiences with forms of conflict resolution. What do they know about the possible practice of Islamic norms in Muslim communities in the Netherlands? How do they position themselves in debates about Islamic norms, authority and possible parallel systems of litigation? For what kind of questions do some people feel a need for Islamic forms of mediation? Debates on Internet will also yield useful insights.

In the course of the project the researcher will focus on a more limited number of communities and issues. Provisionally it seems likely that questions related to marriage dissolution and its effects concerning property and children might be a good focus.

The transnational dimensions of the debates and processes of authority formation also need serious consideration. Some actors in the Netherlands look to Britain as a model to follow in order to institutionalize Islamic mediation, although the Dutch and the British legal frameworks differ fundamentally. A few Islamic leaders from Britain seem to be quite eager to fill what they perceive as a Dutch void. To what extent do international bodies of scholars who produce legal opinions (*fatwas*) for Muslims living in the West play a role (cf. Caeiro 2004; 2010; 2011)? Ideological as well as financial reasons play a role in these transnational forms of Islam.

### **Research methods and cooperation**

Although there are important thematic differences between the two domains we address, they are not separable. The research team will therefore work together closely in all stages of the project. The issues that we seek to analyze require a rigorous ethnographic research methodology. In both projects a combination of ethnographic fieldwork in different settings, observations, and in depth interviews will be applied to collect data. We will make use of the networks and contacts of our user group to establish a solid research field. With each of the members of the user group we will develop a plan of assessment. After we have mapped out the field and acquired an adequate inventory of the different sorts of practices and activities, we will select a number of critical cases that we consider relevant for further analysis.

The category "Muslim" poses methodological challenges (cf. Jeldtoft & Nielsen 2011). In our research it primarily has a self-referential meaning and we therefore deliberately refrain from applying a-priori ethnic, national, regional, generational, doctrinal or ideological categories of Muslims. Although these divisions can sometimes be helpful, we want to avoid unnecessary bias, not least because a part of the activities we include in our research cut across these dividing lines.

The research will be conducted in Amsterdam, Rotterdam, Den Haag, Utrecht and Leiden, cities with a relatively large Muslim population with a mixed ethnic and social background. The predominantly informal practices and activities and the discussions that we want to explore take place in relatively large Muslim communities with diverse social and economic characteristics.

The researchers will participate in Muslim communities and will also interview people who claim authority in matters of mediation and Islamic normativity. Stories of "ordinary Muslims" about litigation will form valuable points of departure to study the questions outlined earlier. In a later stage of the research we will organize a number of focus group sessions with the aim to discuss sensitive issues, research findings and future prospects. Additional focus group sessions will be organized to discuss the implications of the research findings (Breen 2006). In our dissemination and communication plan (point 16) we elaborate on this part of the research. In addition, secondary sources will be analyzed. To a limited extent we will also look at related practices in the official judiciary institutions in the Netherlands and the decisions that these produce. The multiple roles of lawyers will also be studied.

During the entire research we will maintain a website with a blog and a discussion forum both for collecting data and for the output in the last stage of the research.

## **b. Societal relevance**

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The diverse and extensive user group we have put together for our research indicates that societal partners have a keen interest in the issues we address, and the close cooperation with these partners will enable us to constantly reflect on the applications and valorization of the results. Islamic authority and leadership and Islamic law are themes that are not only crucial in understanding how Islam takes shape in the Netherlands, but they also constitute an utterly relevant barometer for

orientations of Muslims and their participation in society. There are three main reasons why this project bears societal relevance.

First, it is important for society and policy makers to understand the dynamics of the continuously evolving Islamic landscape and the institutions and persons who represent Muslims, rather than to fall back on reified conceptions of “the Muslims”.

Secondly, we explicitly include the “grassroots levels” among Muslims in issues dealing with Islamic theology and we invite them to take part in the set-up of the research dealing with issues that normally pertain to religious professionals.

Thirdly, we contribute to a very topical current discussion about the influence “from abroad” on Muslims. During the last year or so the focus in the public debate in the Netherlands has shifted from Islam as a general category to *sharia*, identified with “Islamic law”, which is considered to be a menace to the Dutch way of life. The alleged application of sharia in tribunals or councils has aroused fear and suspicion among politicians, policy makers, and ordinary citizens, also with an Islamic background. Government bodies have recently commissioned reports on informal (also “Islamic”) marriages (Van der Leun & Leupen 2009), polygamy (Boele-Woelki et al. 2009), and sharia councils (Bakker 2010). There is also a growing concern in society about the risk of a small group of young Muslims who sympathize with radical religious ideas and leaders. Several research (partly commissioned) programs have been conducted to get an insight into this world (Buijs et al. 2006; De Koning 2011; Roex et al. 2010; Slotman & Tillie 2006).

We address the delicate balance between two seemingly opposite processes at work among Muslims: the process of rooting and localization of Islam, and the increasing globalization of religion. As such the research engages with the politically sensitive discussion on integration.

The proposed research project adds to the NWO program and falls mainly within the first and third category. It is about new forms of religious binding in a changing social and political landscape and new forms of religious particularity. It also touches on issues dealing with Islam in the public sphere. We contend that doctrinal and institutional change in Islam in Europe is utterly relevant for society, for political decision-making, for legislative developments, and in general to understand what shape Islam will assume in society in the longer run.

The proposed research project is innovative for three reasons. First, it is genuinely interdisciplinary in that it brings together two hitherto relatively separate scholarly domains in the study of Islam in Europe together in one research project by focusing on practices and experiences with respect to Islam among ordinary non-professional Muslims with the aim to contribute to the emerging scholarly field of “everyday religion”. We intend to further develop an analytical frame for understanding religious change and the dialectics between experience and doctrine and the social production of norms. We connect doctrinal

and institutional developments and authoritative issues with the societal contexts in which Muslims live.

Secondly, we take seriously that an increasing number of Muslims born and raised in the Netherlands challenge the existing power structures, authoritative frames and established doctrinal status quo. We take issue with this development and focus on innovative trends.

Thirdly, by doing so, we work thoroughly interdisciplinary connecting insights in the domains of Islamic authority and law with the field of social sciences. We combine the extensive knowledge and expertise on Islamic law and other forms of normativity at the Leiden University with the expertise in the field of anthropology of religion at the VU University in Amsterdam.

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## **International orientation and/or international collaboration**

Questions of Islamic authority and law and the transformation of Islam under changing conditions is a world-wide theme of scholarly interest. The proposed research deals with these global processes of religious development in a national context. Also, the transition from migrants to permanent residents is a general process that evolves differently in different countries. There are a number of historical, demographic, legal, and cultural factors specific to the Dutch case.

From the 1920s until the 1960s the relation between religion and state in the Netherlands was shaped by the so-called "pillarization system". In practice this implied a vertical arrangement of society into blocs with a religious or ideological identity. More than 50% of the population belonged to either the Catholic or the Protestant pillar. The remaining part belonged to the socialist and the liberal pillar. After the 1960s the system lost most of its functions, but there are still remnants of pillarization, notably in the school system (Sunier 2004). More importantly, the pillarization system exerted influence on the ways in which Islam has been organized and institutionalized since the past decades and, consequently, how it will develop. It continues to influence the ways in which society and policy makers perceive religious communities. In addition, specific legal arrangements, notably the Constitutional religious equality principle, have contributed to the particularity of the Dutch system (Rath et al. 2001).

The composition and background of the Muslim population in the Netherlands is rather diverse. Unlike the UK, France or Germany there is no dominant ethnic representation among Muslims (Landman 1992). Turkish and Moroccan Muslims constitute two third of all people with a Muslim background. Muslims from the former Dutch colonies Surinam and Indonesia comprise only 5% of the total Muslim population (SCP 2012). One of the consequences is that the languages of the countries of origin are still common among a majority of Muslims, and inter-ethnic cooperation started relatively late. Only recently Dutch has become the lingua franca in some mosques and local communities. These and other contextual specificities will be included in our analysis. Of course we will compare our findings with the international literature on the issues at stake.

Theoretically our research project ties in with several contemporary academic debates about the place of religion in society, the globalization of religious practices, orientations and movements, and processes of religious transformation. Religious authority and law are important fields within international scholarship and we will certainly engage with the literature dealing with Islam but also other religions. As we indicated, with our central theoretical concepts, "every day religion" and "ordinary Muslims" we venture into a rapidly expanding field of research with strong anthropological underpinnings and a clear reference to issues

of faith and doctrine. Some of the scholars working with the concept of everyday religion are members of our international advisory board (see below).

We will also include a number of studies that deal with authority from an aesthetic and corporeal perspective. We hypothesize that contemporary sources of religious authority are expanding and diversifying including more than words and messages alone. Performative styles and visual and auratic devices are gaining importance in studies on religious authority and leadership (see Eickelman & Anderson 2003; Gräf, B. & J. Skovgaard-Petersen 2009; Jacobs 1998; De Koning 2008; Meyer 2009; Schulz 2006; Stollow 2006; Sunier 2011; De Witte 2008).

Religious authority in the study of Islam emerged in the last decade and has yielded a number of interesting publications (see Birt 2006; Boender 2007; Van Bruinessen 2003; Chaves 2003; Caeiro 2010; Gräf & Skovgaard-Petersen 2009; Jouili & Amir-Moazami 2006; Mandaville 2007; Peter 2006; Salvatore 2006; Volpi & Turner 2007).

The social processes of authority formation and contestation in the Netherlands show interesting similarities and differences with developments in other Muslim communities in the West. Sharia councils could relatively easy be established in Britain due to the particular legal framework (cf. Bano 2012; Bowen 2010b; Bowen 2012; Muradin 2011). In Canada a comparable experiment with Islamic arbitration was stopped through law reform (cf. Boyd 2004; Razack 2007; Muradin 2011). The continental legal framework makes official recognition of Islamic mediation more difficult, which does not mean that Muslims are not involved in Islamic forms of conflict resolution (cf. Bowen 2010a). Comparison of the Dutch cases with developments abroad can create valuable new insights. The role of the different national legal systems is one important aspect. The different backgrounds of the Muslim communities involved also matter greatly. In Britain relatively well-educated Muslims with a SouthAsian background play a preponderant role, whereas in France Muslims also have well-educated leaders and a longer tradition of public involvement. In some respects the Dutch experiences might be more similar to Belgium as far as the Riffian communities are concerned (cf. Foblets 1994; Foblets 1998), or to Germany as far as the Turkish communities are concerned (cf. Rohe 2001; Schiffauer 2008).